

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : CONSENT PRELIMINARY ORDER
- v. - : OF FORFEITURE/
LEE JARMOLOWSKY, : MONEY JUDGMENT
a/k/a "Lee Jarmol," : 16 Cr. 630 (LGS)

Defendant. :
- - - - - x

WHEREAS, on or about September 20, 2016, LEE JARMOLOWSKY, a/k/a "Lee Jarmol" (the "defendant"), was charged in a five-count Information, 16 Cr. 630 (the "Information"), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); conspiracy to embezzle from an employee benefit plan, in violation of Title 18, United States Code, Section 371 (Count Two); embezzlement from an employee benefit plan, in violation of Title 18, United States Code, Sections 664 & 2 (Count Three); giving and offering kickbacks to influence the operation of an employee benefit plan, in violation of Title 18, United States Code, Sections 1954 & 2 (Count Four); and making false statements in employee benefit plan records and reports, in violation of Title 18, United States Code, Sections 1027 & 2 (Count Five);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Four of the Information, seeking forfeiture to the United States, pursuant to Title 18,

United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the offenses charged in Counts One through Four of the Information, including, but not limited to a sum of money in United States currency representing the amount of the proceeds traceable to the commission of the offenses charged in Counts One through Four of the Information;

WHEREAS, the Information included a second forfeiture allegation as to Count Five of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), of property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense charged in Count Five of the Information;

WHEREAS, on or about September 20, 2016, the defendant pled guilty to Counts One through Five of the Information, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegations with respect to Counts One through Five of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(7), and Title 28, United States Code, Section 2461(c), a sum of money in United States currency,

representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Five of the Information;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of **\$298,636** in United States currency representing the amount of proceeds traceable to the offenses charged in Counts One through Five of the Information that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offenses charged in Counts One through Five of the Information that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, Acting United States Attorney, Assistant United States Attorney Michael D. Neff, of counsel, and the defendant, and his counsel, Sylvie J. Levine, Esq., that:

1. As a result of the offenses charged in Counts One through Five of the Information, to which the defendant pled guilty, a money judgment in the amount of **\$298,636** in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One through

Five of the Information that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, LEE JARMOLOWSKY, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Department of Labor, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Asset Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of

substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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9. The signature page of this Consent Preliminary

Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
Acting United States Attorney
Southern District of New York

By: *Michael D. Neff*

MICHAEL D. NEFF

Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2107

8/6/2020

DATE

LEE JARMOLOWSKY

By: *Lee Jarmolowsky*

LEE JARMOLOWSKY

8/17/20

DATE

By: *SJL*

SYLVIE J. LEVINE, ESQ.
Attorney for Defendant
Federal Defenders of New York
52 Duane Street, 10th Floor
New York, New York 10007
(212) 417-8700

8/17/20

DATE

SO ORDERED:

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

September 10, 2020

DATE